



ATTORNEY DOCKET NO: 2509-970451

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER  
A PENDING SECOND APPLICATION**

In re Application of: Paul L. KORNBLITH  
Application Serial No.: 09/039,957  
Filed: March 16, 1998  
For: "Method for Culturing and Assaying Cells"

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The owner\*, Precision Therapeutics, Inc., of 100 percent (%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending additional Application Serial Nos. 08/679,056, filed on July 12, 1996, now U.S. Patent No. 5,728,541; 09/040,161, filed on March 17, 1998; 09/095,993, filed on June 11, 1998; and 09/189,310, filed on November 10, 1998, the term being defined in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending additional applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the additional applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the additional applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A check in the amount of \$55.00 is enclosed to cover the Terminal Disclaimer fee under 37 CFR 1.20(d).

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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The undersigned is an attorney of record.

November 13, 2001

Date

Respectfully submitted,

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By

  
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